



Douglas M. Duncan
County Executive

CONSTRUCTIVE COMMENTS

MONTGOMERY COUNTY DEPARTMENT OF
PERMITTING SERVICES

January/February 2002



Robert C. Hubbard
Director

DPS PREVAILS IN SEDIMENT- CONTROL CASE



On January 15, 2002, the County reached a settlement with Arcola Investment Associates concerning erosion and sediment-control violations at the Kings Crossing Development site in Germantown. Arcola agreed to penalties in the amount of \$5,250.

The case was heard in Judge C. J. Vaughey's District Courtroom in Silver Spring. Permitting Services Manager Mike Reahl and Permitting Services Inspector Jerry Oden represented DPS. They were assisted by Assistant County Attorney Chris Pashler.

Mr. Oden issued 13 citations to Arcola for erosion and sediment-control violations. These violations included failure to comply with the conditions of their sediment-control permit, failure to maintain prescribed sediment-control measures, failure to mitigate off-site sedimentation into a watercourse, and failure to comply with a Stop-Work-Order. (See featured pictures.)

Mr. Oden's exemplary documentation, case preparation, and professional demeanor were principally responsible for bringing Arcola into compliance with the approved plans for the site. He and Mr. Pashler worked tirelessly with Arcola representatives to effect the settlement.

This settlement is another example of how DPS enforcement staff works with the courts to protect Montgomery County's water resources.



Photos by Jerry Oden

AS I SEE IT ...
by DPS DIRECTOR
ROBERT HUBBARD



TO MY COLLEAGUES AT THE
MARYLAND BUILDING OFFICIALS'
ASSOCIATION ("MBOA")

(AND TO OTHER INTERESTED READERS)

As your President, it was my pleasure to represent the MBOA at the Annual Building Officials Forum conducted by the National Fire Protection Association ("NFPA") at their headquarters in Quincy, Massachusetts on November 3, 2001.

The forum began with an overview of the history and organization of NFPA and its Architects, Engineers and Building Officials Section ("AEBO"); a description of its codes-and standards-making process; and an update on its public-education initiatives. The day concluded with a session about the Building Code Development Committee, a status report on the NFPA 5000 Building Code, and a briefing from a member of the World Trade Center Investigation Team. The NFPA 5000 Building Code is of great importance to MBOA members. But, first, let me share with you a little of what I learned about the history and organization of NFPA.



NFPA was organized in 1896 in Boston to standardize the methodology for sprinkler installation. Today, it has an international membership of 75,000, with a mission "to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating scientifically-based consensus codes and standards, research, training and education." Similarly to MBOA, NFPA members elect officers and a board of directors.

NFPA is comprised of 16 membership sections, with names like "Aviation," "Electrical," and "Fire Service." The AEBO is the section most germane to MBOA. Formed in 1979, AEBO's objectives are to: (1) Encourage a greater understanding among its members of the threats to life and property from fires in buildings, (2) Promote cooperation among its members, and (3) Create opportunities for leadership and peer recognition. AEBO membership is free to NFPA members.

One of the visions of AEBO is to create "the next generation of building codes." That vision has manifested itself in the creation of the NFPA 5000 Building Code. A second draft of this document is available now for review and comment. As currently scheduled, a technical committee report on NFPA 5000 will be presented to the NFPA membership at the May 2002 Association Meeting. At this meeting, the general public may comment on the report, and the NFPA membership will vote to approve, amend, or return the report or a portion of it to the committee. The NFPA 5000 will then go to a Standards Council Meeting in July for final adoption and become effective in August, 2002.

NFPA chose not to follow the common code format, opting instead for a format similar to the Life Safety Code. That is, each occupancy category is intended to have its own chapter and chapters on administration, height and area, fire protection, etc. To give design professionals greater flexibility, the design standards are to be both prescriptive and performance-based.

Before Bill Bryant and John Gibson, my esteemed MBOA associates and members of the Building Officials and Codes Administrators International (“BOCA”) Board of Directors, string me up for disloyalty, let me re-pledge my support to the concept of a single building code and to MBOA’s continued affiliation with BOCA and the International Building Code (“ICC”).

That being said, I assume that, like me, many of you are NFPA members because you enforce the National Electrical Code, the Life Safety Code NFPA 101, or other standards applicable to fire-protection systems, alarms, or smoke controls. Furthermore, if you are not a member, you at least enforce some or all of the above standards because they are included by reference in the ICC. If that is not adequate justification for MBOA to be represented at the forum, let me add that I’m just as curious as you about what NFPA is up to in the development of its building code. And like it or not, NFPA will publish a building code next year.



LAND DEVELOPMENT

SEDIMENT-CONTROL PERMITS AND EROSION- AND SEDIMENT- CONTROL APPROVALS

Did you know that sediment-control permits and erosion- and sediment-control plans are valid for two years? The permits and associated plans issued by the Department of Permitting Services (“DPS”), Division of Land Development, for land disturbances that are greater than 5,000 square feet/that involve more than 100 cubic yards of soil are valid for two years from the date of issuance.

If you expect the project to last longer than two years, extensions for permits and engineered plans are available for an additional year. However, DPS does not grant extensions for single-land-disturbance activities (“SLDA’s”).

If your permits are about to expire, or they have expired, you may apply for extensions, in writing, to: Mr. Richard Brush, Permitting Services Manager Sediment Control/ Stormwater Management Plan Review Section Department of Permitting Services 255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850, 240 777-6343.

Be sure to reference your permit and approval numbers, the owner of the project, and the location of the project. And, if you are not certain if your permits or approvals are current, Mr. Brush or your sediment-control inspector should be able to help you make that determination.



EROSION-AND-SEDIMENT- CONTROL PROGRAM EVALUATION

On January 17th, the Department of Environmental Protection ('DEP') briefed the Transportation and Environment Committee of the County Council on its interdependent field study of the DPS erosion-and-sediment-control program. The study found that the majority of the active construction sites that DEP visited had effective sediment- and erosion-control devices in place and maintained.

The study was intended to supplement The Maryland Department of the Environment's triennial review of the program. DEP examined what percentage of construction sites were under effective sediment control; whether the issuance of a Notice of Violation ("NOV"), followed by a Stop-Work Order ("SWO") after 48 hours, was effective in increasing the number of self-maintained sites; and whether or not there were any downstream sediment impacts. DEP also assessed the ability of on-site erosion- and sediment-control structures ("best-management practices") to prevent sediment from leaving sites and entering adjoining streams and floodplains.

To collect data for the study, DEP staff rode along with DPS inspectors and independently observed and recorded their observations. DEP analyzed 116 randomly selected sites in various stages of development.

The study identified a number of improvements in sediment-and-erosion-control enforcement. One hundred of the 116 sites (86%) had the majority of their actively disturbed acreage effectively controlled through fully implemented and maintained erosion- and sediment-control devices. The use of NOV's with forty-eight-hour SWO's was effective in reducing the numbers of serious maintenance violations that could not be corrected within 48 hours. Site managers were accountable for site maintenance, and county inspectors could routinely expect full site maintenance. At 16 sites, DEP visited stream segments immediately above and below active development to see how effective the sediment-and-erosion-control program was in preventing sediment from depositing in stream areas. Eleven of the sites had no off-site deposition, four had mild off-site deposition, and one had severe deposition.

DPS will continue to work with DEP to assure the effective control of sediment and stormwater in the county.



THE COUNTY'S FIRST GREEN ROOF SUBDIVISION IS APPROVED

You may never see it; you may not even know it is there, but a "Green Roof" is coming to Germantown.

On January 16, 2002, the Montgomery County Planning Board approved the first subdivision in the area that has a building with a "Green" or "Living Roof." The building will be located in Germantown on

Crystal Rock Drive close to where it intersects with MD Route 118.

The Land Development Division of DPS, along with the Maryland National Capital Park and Planning Commission, has been trying for some time to interest a developer in using this innovative technology. W. M. & F. Crystal Rock, L.L.C., and its engineering firm, Macris, Hendricks, and Glascock, P.A are developing designs for the building.

Permitting Services Managers Rick Brush and Jay Beatty, recognizing the overall benefits of the technology to county waterways, worked together to present a stormwater-management incentive package to the developer in return for its use of a Green Roof.

Like many infill parcels in the county, the site in question was too small to use standard stormwater-management surface facilities, underground tanks, or concrete sand-filter vaults. The Green Roof, coupled with enhanced grading to channel parking-lot runoff, helped the developer to minimize stormwater-management costs.

The Green Roof will provide full stormwater management by establishing a mix of vegetation that can handle 75% of rooftop precipitation. Also, it will increase the overall "R" factor of the roof and thereby lower the annual heating and cooling costs for the building.

The soil is a specially designed lightweight mix that absorbs and slowly feeds water to the plants. It will be separated from the roof deck by a rubberized membrane and a special porous separator layer made of a polystyrene-type material. The plants will draw the moisture up into their leaves and

allow the moisture to evaporate into the air, thereby reducing the excess runoff created by the impervious surface of the roof. The roof will act like a big filter as it absorbs pollutants and prevents them from entering nearby waterways.

The idea of putting a layer of soil on the roof and planting it with various types of plants is not new. The Europeans have been doing it for sometime, and several cities in this country have begun to follow suit.

DPS Land Development staff look forward to working with developers and builders throughout the county to maximize the use of this exciting and beneficial technology.

STORMWATER-MANAGEMENT REVISIONS

As required by state regulation, legislation was introduced by the County Council to revise and update stormwater-management requirements for new development and redevelopment in the county. The purpose of the legislation is to protect and maintain surface and groundwater resources within the County. A public hearing for the legislation is scheduled for January 29, 2002 at 1:30. The Transportation and Environment Committee is scheduled to begin discussions on February 4, 2002.

SEDIMENT-CONTROL-PERMIT EXTENSIONS

Please remember that sediment-control permits and plans expire two years after issuance. If the plans were designed using current standards and specifications, permit and plan approvals may be extended with the payment of an extension fee. Other-

wise, the plans may need to be revised to meet current requirements.

DPS is in the process of notifying permittees of expired plans and permits.

- Sediment-Control-Permit Ownership Requirements

Applicants for building permits are reminded that the County's sediment-control laws require the property owner to obtain a sediment-control permit prior to land disturbance or construction activities. Therefore, present owners and builders should not reference the sediment-control permits of prior owners or developers when applying for building permits. Instead, they should obtain a new sediment-control permit.



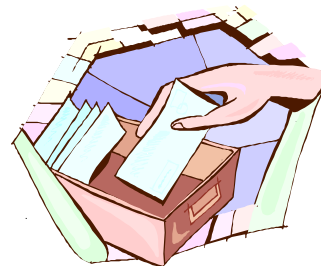
CASEWORK MANAGEMENT

NEW ZONING BROCHURE

DPS and the Department of Housing and Community Affairs have collaborated on a new brochure entitled, "A Guide to Code Enforcement." The brochure provides information to citizens about the types of code violations for which each agency is responsible, explains how to file complaints, and gives telephone numbers for complaint lines. The brochures are available from both departments and will be available soon at libraries and the Regional Services Centers.

NEW CORRESPONDENCE ACKNOWLEDGEMENT CARD

DPS customers will now receive an immediate acknowledgement of correspondence that they send to the Division of Casework Management ("CWM"). The card is mailed to customers on the day that their correspondence is received in the division. In addition to information about the nature of the correspondence, the cards contain a correspondence-control number, the work unit to which the correspondence was assigned, and the manager's name and phone number. CWM staff can usually respond to correspondence within five workdays.



REVISED HOMEOWNER'S ELECTRICAL EXAM PACKET

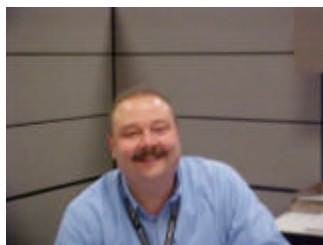
Homeowners who wish to make minor electrical repairs to their single-family dwellings may do so once they have passed the Homeowner's Electrical Exam. A new packet of information has been created to better explain the procedures involved in taking the exam. The packet explains relevant technical terms, applicable code provisions, types of exams, and passing scores. The new packet is easy to read and understand and is easily recognizable by its federal-blue folder with the name "HOMEOWNERS ELECTRICAL EXAM" on the cover. The packet is available from any Permit Technician who handles electrical permits and licenses.

NEW COMPLAINT TRACKING FORM

A new form has been developed to help DPS staff process building and zoning complaints consistently and efficiently. The form has proven to be especially helpful to Permit Technicians (“PT’s”) responding to calls to the 240-777-6259 complaint phone line. PT’s enter the information from the form into the DPS automated permit system and contact an investigator or inspector to respond to the complaint. The form should be available on line in spring of 2002—look for it in “What’s New” on our website.



BOBBY BELL JOINS DPS



Robert Bell, Jr., joined DPS on Monday, January 28, 2002 as a Permitting Services Specialist I in the Zoning Enforcement Unit of the Division of Casework Management. His supervisor is Permitting Services Manager Susan Scala Demby.

Bob has 20 years experience with Montgomery County, most recently as a Housing Code Enforcement Inspector for the Depart-

ment of Housing and Community Affairs. Prior to that, Robert worked as a Security Officer with Facilities and Services and as a state Maryland Natural Resources police officer.

Please join us in welcoming Bob to his new work assignment at DPS.

CASEWORK MANAGEMENT EMPLOYEE OF THE QUARTER



Permit Tech Georgia Wilt was selected by her peers as “Employee of the Quarter,” for September 1—December 31, 2001. Georgia was the winner among 9 nominees within the division.

Here are some comments about her performance from her nomination :

“She is always courteous to our customers.”

“She is always helpful and willing to step in wherever [she is] needed.”

“Her enthusiasm for her job makes her the best.”

“I don’t know what we would do without her.”

Need we say more? Thanks Georgia, for all you do, everyday, for everybody.





FOCUS ON RIGHT-OF-WAY BONDS

By Sandra Batterden, Permit Services Manager, Division of Casework Management

This article focuses on the progress that Casework Management staff have made in expediting the release of cash bonds and eliminating some of the mistakes common to bond transactions.

Year-end reports indicate that DPS issued 2,344 Right-of-Way Permits in 2001. The majority of these permits required posting of a letter of credit, guarantee, performance bond, or cash bond in order to protect the County's interests.

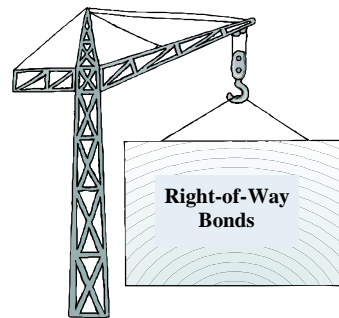
Customers posting cash bonds are now required to identify themselves as the permittees on their applications. This helps avoid confusion when it comes time to release the bond. The customer may be either the contractor or the property owner. Permit Technicians are asked to verify that the name on the bond check is the same as the permittee's.

Another enhancement to the bond process is the elimination of the "Certification Letter for Performance Bonds" form. Permit Technicians will now use the U. S. Department of the Treasury Financial Management Service Database to verify that a surety company is licensed in Maryland, instead of requiring the applicant to obtain the verifica-

tion from the Circuit Court. To verify that your bonding company is approved to do business in the State of Maryland, go to www.fms.treas.gov/c570 and look up the company name in the alphabetical listing.

Customers posting performance bonds are encouraged to use the official Department of Permitting Services Performance Bond form. This eliminates the step of taking a non-standard form to the County Attorney for review and approval. If you need copies of this form, please contact Sandra Batterden at 240-777-6248.

Finally, an analysis is underway to determine the cause of the delay in issuing bond releases on projects that have received a final inspection. Many of the permits in this category are paving and stormdrain permits for large projects. Preliminary research indicates that developers are slow to respond to the after-construction requirements of these permits. The requirements may include street-maintenance agreements, monument-setting, and street-lighting approvals. Look for an increase in notices regarding the developer's obligations. Remember, **NO JOB IS FINISHED UNTIL THE PAPERWORK IS COMPLETE!**



BUILDING CONSTRUCTION

INTERNATIONAL CODE-ADOPTION UPDATE

In February of 2002, Montgomery County Council voted to adopt, with amendments, the 2000 editions of the International Residential Code (“IRC”), the International Building Code (“IBC”), the International Mechanical Code (“IMC”), the International Fuel Gas Code (“IFGC”), and the International Energy Conservation Code (“IECC”). There will be a ninety-day grace period, until April 15, 2002, to facilitate transition to the new codes.

During the grace period, and at the permit applicant’s request, submissions for residential construction permits will be reviewed against either the CABO/1995, or the IRC. Consequently, all CABO/1995-approved plans under the “Model-House-Type” and “Refer-Back” programs will expire at the end of the grace period. Commercial-permit applicants may request that plans be reviewed against the BOCA National Building Code/1996 or the IBC. After the grace period, all submissions will be reviewed against the IRC or the IBC, as appropriate.

To avoid potential delays in the plan-review process, before the end of the grace period, it is advisable for residential applicants to show compliance with the IRC on all plan sheets. After reviewing the changed plan sheets, DPS staff will communicate with the applicant(s) on all required modifications. Applicants may then submit the updated plan sets to DPS for final review and ap-

proval under the Model House Type or Refer-Back program.

Projects for which a permit application was submitted prior to the grace period may continue under the code applicable at the time of application.



A QUICK NOTE ABOUT UNDER WATER LIGHTING

DPS has been receiving a lot of questions recently about code requirements for underwater lighting, particularly regarding fountains and decorative ponds.

The requirements for the construction and installation of electric wiring for and equipment in or adjacent to fountains, hot tubs, and swimming, wading, and decorative pools can be found in Article 680 of the 1996 National Electrical Code (“the NEC”) and the Montgomery County amendments thereto.

Part E. Article 680 of the NEC addresses fountains and decorative and ornamental pools. Such units are primarily constructed for their aesthetic value and are not intended for swimming or wading. Therefore, low-voltage wiring is not required, as long as the branch circuits supplying current to ancillary equipment, such as lighting fixtures, are protected by a ground-fault-circuit-interrupter (“GFCI”), per Section 680-51(a) of the NEC.

We have received several inquiries about Section 22 of the County amendments. Sec-

tion 22 requires that underwater lighting fixtures be equipped with a GFCI-protected transformer operating at no more than 15 volts. *This requirement applies to permanently installed swimming pools only.*

For more information on this “hot” topic, contact DPS Permitting Services Manager Phil Wacławski at (240) 777-6228.

MONTGOMERY COUNTY SPECIAL INSPECTION PROGRAM TO REPLACE COMPLEX STRUCTURES PROGRAM

In response to a recent code change, DPS will inaugurate a Special Inspections Program (“SIP”) and phase-out its Complex Structures Program (“CSP”).

Montgomery County is in the process of adopting the 2000 edition of the International Building Code (“IBC”) published by the International Code Council (“ICC”). The 2000 IBC contains a requirement for “Special Inspections” of certain kinds of construction by the party responsible for the construction. Unlike the CSP, which focuses principally on building size to determine program applicability, the SIP will focus on the components of building construction, such as fabricated load-bearing members, steel assemblies, welding, and concrete applications. Similar to the CSP, the SIP will require the permittee to obtain qualified personnel to perform the inspections and certify the results.

Montgomery County is in the process of revising its Complex Structure Manual and incorporating the Special Inspection provisions of the 2000 IBC. The new SIP Manual will:

- Identify the types of construction that are subject to SIP requirements.
- Define the responsibilities of all parties to SIP agreements.
- Standardize code requirements and their applications.
- Provide a systematic approach for updating SIP standards.
- Ensure that program modifications are uniformly applied.

DPS will be working with industry groups and interested parties to produce the new manual. DPS hopes to have the manual available for distribution by late spring or early summer.

To obtain a copy of the draft manual, please e-mail the Division of Building Construction at amy.edwards@co.mo.md.us. Questions concerning the SIP may be directed to Permitting Services Manager Hadi Mansouri at 240 777-6233.



DPS TO BEGIN MECHANICAL PERMIT PROGRAM

By late spring of this year, DPS will have begun a mechanical permit, plan-review, and inspection program to satisfy legal mandates imposed by state and county codes. The program will entail issuing permits for the installation, replacement, and modification of mechanical HVAC equipment and appliances regulated by the codes.

Montgomery County has had a national model mechanical code in place since 1958. Currently, this code is comprised of the mechanical provisions of the 1995 CABO One- and Two-Family Dwelling Code for

residential construction and the 1996 International Mechanical Code for multi-family dwellings and commercial construction. The County is in the process of adopting the 2000 editions of the International Residential Codes and International Mechanical Codes to replace the current codes.

Historically, due to staff limitations, DPS has been able to provide only minimal mechanical-code enforcement. However, with Montgomery County Council approval, last November, of a mechanical-program fee schedule, DPS is now positioned to provide comprehensive mechanical permitting services.

The mechanical program will be staffed with two Permitting Services Specialists for plan review and four Permitting Services Inspectors. Permitting Services Manager Phil Waclawski will supervise the program.

For more information please visit our web site at <http://permits.emontgomery.org.>, or contact Phil Waclawski at 240-777-6228.

DPS QUICK PICS



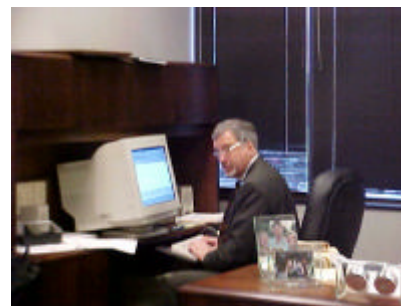
Robert Hubbard, Dave Niblock, Jay Calloway, and Bobby Bell discuss a zoning issue.




Edie Williamson, Administrative Specialist, discusses a returned permit-fee check with Danny Ratliff, Permitting Specialist.



Recent annual leave awardees in Casework Management are, left to right: Permit Technicians Daryl Foreman, Barbara Comfort, and Helen Smith. Not pictured: Permit Technicians Laura Granger and Rose McKee.




Constructive Comments Senior Editor, William Boyajy



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